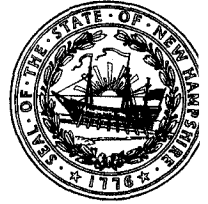




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

August 8, 2005

Stericycle, Inc.
Attn: Paul Hartman
396 Park East Drive
Woonsocket, RI 02895

Re: Docket No. AF 04-088 Motion to Accept Settlement Agreement

Dear Mr. Hartman:

Enclosed for your records is a copy of the fully executed and accepted Motion to Accept Settlement Agreement in the above-captioned matter.

On behalf of the Department of Environmental Services, thank you for your cooperation in resolving this matter.

Sincerely,

COPY
Michael P. Sclafani,
Legal Assistant

cc: Anthony P. Giunta, P.G., Director, Waste Management Division
Gretchen R. Hamel, Administrator, DES Legal Unit
Kerry D. Barnsley, Compliance Attorney, DES Legal Unit
DES Public Information Officer
Lynn Woodard, DES WMD
Tom Beaulieu, DES WMD
Susan Hanamoto, DES WMD

Stericycle, Inc.
369 Park East Drive
Woonsocket, RI 02895

**ADMINISTRATIVE FINE
No. AF 04-088**

MOTION TO ACCEPT SETTLEMENT AGREEMENT

NOW COME the Department of Environmental Services, Waste Management Division ("the Division") and Stericycle, Inc. ("Stericycle"), parties to the above-captioned matter, and stipulate to the following:

1. Pursuant to RSA 147-A, DES regulates the management and disposal of hazardous waste. Pursuant to RSA 147-A:3, the Commissioner of the Department of Environmental Services ("DES") has adopted Env-Wm 100-1100 ("Hazardous Waste Rules") to implement this program.
2. Pursuant to RSA 147-A:17-a, the Commissioner is authorized to impose fines of up to \$2,000 per violation for violations of RSA 147-A or rules adopted pursuant thereto. Pursuant to this section, the Commissioner had adopted Env-C 612 to establish the schedule of fines for such violations.
3. On September 17, 2004, the Division issued Notice of Proposed Administrative Fine No. AF 04-088 ("the Notice") to Stericycle, seeking fines totaling \$10,000 for violations of RSA 147-A and the Hazardous Waste Rules.
4. The Notice cited Stericycle for violating RSA 147-A:6, I for failing to obtain a New Hampshire Hazardous Waste Transporter Registration ("Registration") prior to transporting hazardous waste within the State of New Hampshire. Pursuant to Env-C 612.02(d), the Division sought a fine of \$10,000 (\$2,000 per load transported without a Registration).
5. In order to settle this matter, the Division and Stericycle have agreed to the terms of this Settlement Agreement ("Agreement"), as set forth herein.
6. Of the proposed fine, in the amount of \$10,000, one count, specifically \$2,000, of transporting hazardous waste without a Registration shall be suspended.
7. Of the remaining \$8,000 of the proposed fine, 10% or \$800 shall be suspended due Stericycle's history of compliance.
8. Of the remaining \$8,000 of the proposed fine, \$5,400 shall be used to fund a Supplemental Environmental Project ("SEP"). The SEP shall consist of the following:
 - a. Stericycle shall prepare and distribute an educational brochure (approximate cost \$2,000) relative to the proper management of chemotherapeutic waste for all New

Hampshire health care providers, specifically hospitals, clinics, and doctor's office which provide chemotherapy treatment to its patients;

- b. Stericycle shall also provide an educational seminar in Manchester, NH, relative to the proper management of Chemotherapeutic waste to New Hampshire health care providers, specifically hospitals, clinics, and doctor's offices which provide chemotherapy treatment to its patients. Stericycle will cover the following information in the seminar: New Hampshire Solid Waste Regulations, New Hampshire Hazardous Waste Regulations, and DOT Regulations as they related to regulated medical waste. Stericycle will proofed the room, food, training materials, and trainers at an approximate cost of \$4,000.
- c. No tax deduction or other credit or benefit shall be claimed by Stericycle or any parent, subsidiary, or other affiliate for the value of the SEP.

9. The SEP shall be completed by February 1, 2006.

10. Stericycle shall forward to DES itemized receipts relative to the SEP within seven days of the completion of the SEP.

11. The suspended portion of the proposed fine, in the amount of \$2,800 is contingent upon Stericycle remaining in compliance with applicable statutes and rules of the Department of Environmental Services for a period of two years from the date of the execution of this Agreement. If Stericycle fails to maintain compliance during the two-year period, the suspended portion of the fine, in the amount of \$2,800 shall become due and payable immediately. If Stericycle maintains compliance for the prescribed two-year period, the suspended portion of the fine shall be waived. Also, if Stericycle fails to complete the SEP by February 1, 2006, the suspended portion of the fine, in the amount of \$2,800 shall become due and payable immediately.

12. Stericycle agrees to pay the remaining \$1,800 upon execution of this Agreement by Stericycle.

13. Payment under Paragraph # 12 and any payment that becomes due pursuant to Paragraph #11 shall be paid by certified check made payable to: "Treasurer, State of New Hampshire" and mailed to:

DES Legal Unit
Attention: Michael Sclafani, Legal Assistant
P.O. Box 95
Concord, NH 03302-0095

14. If any payment is made by check or money order that is returned due to insufficient funds, pursuant to NH RSA 6:11-a, DES may charge a fee in the amount of 5% of the face amount of the check or money order or \$25.00, whichever is greater, plus all protest and bank fees, in addition to the amount of the check or money order, to cover the costs of collection.

15. By executing this Agreement, Stericycle waives its right to a hearing on or any appeal of the administrative fines identified in the Notice, and agrees that this Agreement may be entered into and enforced by a court of competent jurisdiction.

16. The effective date of this Agreement will be the date on which it is signed by a representative of Stericycle, the Director of the Waste Management Division, and the Commissioner of DES. After that date, this Agreement may be amended only by written agreement signed by both parties and the Commissioner. Any such amendment will become effective on the date on which it has been accepted by the Commissioner.

17. No failure by DES to enforce any provision of this Agreement after any breach or default will be deemed as a waiver of its rights with regard to that breach or default, nor will such failures be construed as a waiver of the right to enforce each and all provisions of this Agreement on any further breach or default.

WHEREFORE, the parties respectfully request the Commissioner to accept the terms of this Agreement by granting this Motion.

Respectfully submitted,

Stericycle, Inc.

COPY

By: Paul Hartman
Duly Authorized

Date

7/16/05

DES Waste Management Division

COPY

Anthony P. Giunta, P.G., Director

Date

8/2/05

This Motion to Accept Settlement agreement is granted this 5th day of August, 2005.

COPY

Michael R. Notin, Commissioner
Department of Environmental Services